

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON-3 DIVISIONAL OFFICE

IN RE:)	CHAPTER 13
)	
ANGENITA SMITH, DEBTOR.)	CASE NO. 21-01696-JAW
)	
)	
)	
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NS193, LLC, BY STATEBRIDGE)	MOVANT
COMPANY, LLC, SERVICING AGENT,)	
)	
VS.)	
)	
ANGENITA SMITH, DEBTOR.)	
)	RESPONDENT

**MOTION FOR RELIEF FROM THE AUTOMATIC STAY
AND TO ABANDON PROPERTY**

COMES NOW NS193, LLC, BY STATEBRIDGE COMPANY, LLC, SERVICING AGENT (“Movant”), by counsel, and shows this Court the following:

1. This is a Motion under Section 362(d) of the Bankruptcy Code for relief from the automatic stay for all purposes allowed by law and the contract between the parties, including, but not limited to, the right to foreclose on certain real property described herein.

2. Movant is the servicer of a loan secured by certain real property in which Debtor has an interest. Said real property is security for a promissory note, and is commonly known as **4420 Meadowridge Dr., Jackson, Mississippi 39206** (the “Property”). A true, correct and redacted copy of the Deed of Trust is attached hereto as **Exhibit A** and it is incorporated herein by reference. A true, correct and redacted copy of Debtor's Promissory Note is attached and fully incorporated herein as **Exhibit B**. A copy of the Assignment of Deed of Trust is attached as **Exhibit C**. The Property herein is located in Hinds County, Mississippi, and is described as

follows:

LOT 12, BLOCK N, G. I. SUBDIVISION, a subdivision according to a map or plat thereof which is on file and of record in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi, in Plat Book 8 at Page 29, reference to which is hereby made in aid of and as a part of this description

3. Debtor listed the subject property as her primary residence on the Petition; however, Debtor filed a Notice of Change of Address on November 18, 2021, which provides her new address as 6547 Goldfield Street North, Las Vegas, NV 89084. (DKT #22)

4. Debtor has defaulted in making payments which have come due since this case was filed. As of February 15, 2023, Debtor is delinquent for sixteen (16) post-petition payments (November 2021 to February 2023) of \$292.06 each, pursuant to the Note.

5. The loan is contractually due for the October 1, 2009 payment. That is 13 years and 5 months contractually delinquent through February 2023.

6. As of February 15, 2023, the unpaid principal balance is \$36,510.60, and interest is due thereon in accordance with the Note. The current amount of unpaid interest on Movant's loan as of February 15, 2023 is \$41,739.52. Movant has incurred additional fees and costs associated with this loan.

7. Debtor objected to Movant's timely filed proof of claim and an order was entered disallowing the claim. However, Movant's attorney was not properly served with the objection. Service on Movant's attorney should have been served at the address provided on the proof of claim, but it was actually sent to a different office. Therefore, Movant's attorney never received the objection. Due to the disallowance of the proof of claim, Debtor's Confirmed Plan did not treat this lien.

8. Movant's attorney contacted Debtor's attorney and offered a deed-in-lieu of foreclosure including a cash for keys offer. Debtor's attorney never responded to this offer.

9. Because of Debtor's default and inability to make all required payments in the amounts and at the times they are required to be made, Movant is not adequately protected and shows that there is cause for relief from the automatic stay.

10. Debtor's *Schedule A* values the property at \$111,000.00. Upon information and belief, Movant is not aware of any other liens against the Property.

11. Upon information and belief, since the filing of the petition herein, Debtor has remained in possession of and continues to use the Property. If Movant is not permitted to exercise its right to foreclose upon its security, it will suffer irreparable injury, loss and damage.

12. Movant requests it be permitted to contact Debtor via telephone or written correspondence regarding potential loss mitigation options pursuant to applicable non-bankruptcy law, including loan modifications, deeds in lieu of foreclosure, short sales and/or any other potential loan workouts or loss mitigation agreements.

WHEREFORE, Movant prays as follows:

(1) for an Order modifying the automatic stay, authorizing Movant, its successors and assigns, to proceed with the exercise of its private power of sale and to foreclose under its Deed of Trust and appropriate state statutes;

(2) that Movant, at its option, be permitted to contact Debtor via telephone or written correspondence regarding potential loss mitigation options pursuant to applicable non-bankruptcy law, including loan modifications, deeds in lieu of foreclosure, short sales and/or any other potential loan workouts or loss mitigation agreements;

(3) for waiver of Bankruptcy Rule 4001 (a)(3); and

(4) for such other and further relief, both general and specific, as is just and equitable.

Respectfully submitted, this the 24th day of February, 2023.

**NS193, LLC, STATEBRIDGE COMPANY,
LLC**

BY: /s/ **Karen A. Maxcy**

Karen A. Maxcy
Mississippi Bar No. 8869
McCalla Raymer Leibert Pierce, LLC
1544 Old Alabama Road
Roswell, GA 30076
Direct Phone 678-321-6965
Email: Karen.Maxcy@mccalla.com
Attorney for Movant

CERTIFICATE OF SERVICE

I, Karen A. Maxcy, of McCalla Raymer Leibert Pierce, LLC, do hereby certify that on this date, I served a copy of MOTION FOR RELIEF FROM THE AUTOMATIC STAY AND TO ABANDON PROPERTY filed in this bankruptcy matter on the following parties at the addresses shown, through the Court's ECF/CMF system, and/or via U.S. Mail First Class, postage prepaid and properly addressed, to-wit:

Debtor

Angenita Smith
6547 Goldfield Street North
Las Vegas, NV 89084

Debtor's Attorney

Thandi J. Wade
P.O. Box 22688
Jackson, MS 39225-2688

(via ECF/CMF Electronic Notice)

Chapter 13 Trustee

James L. Henley, Jr.
P.O. Box 31980
Jackson, MS 39286-1980

(via ECF/CMF Electronic Notice)

U.S. Trustee

United States Trustee
501 East Court Street
Suite 6-430
Jackson, MS 39201

(via ECF/CMF Electronic Notice)

CERTIFIED, this the 24th day of February, 2023.

/s/ Karen A. Maxcy

Karen A. Maxcy